

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE METRO GANG STRIKE FORCE ADVISORY BOARD

In the Matter of Quentin Edward Green

**FINDINGS OF FACT,
CONCLUSIONS
AND DECISION**

The Metro Gang Strike Force Advisory Board (Advisory Board) has directed the League of Minnesota Cities Insurance Trust (LMCIT) to pay equitable claims filed against the Metro Gang Strike Force (MGSF) by persons whose property or currency was seized but was not properly forfeited.

The Advisory Board and LMCIT have established a process whereby claimants may seek administrative review of the record, or in the alternative, an administrative hearing, to appeal the denial of a claim.

On July 12, 2010, Quentin Green (Claimant) requested an administrative hearing. LMCIT provided its claim file to the Claimant prior to hearing. The matter came before Administrative Law Judge Manuel J. Cervantes on October 28, 2010, pursuant to a Notice of Hearing, dated August 30, 2010.

STATEMENT OF ISSUE

Did Claimant establish that the MGSF unlawfully confiscated currency from him on July 11, 2007, incident to a traffic stop? If so, did the Claimant establish the amount of currency unlawfully taken from him?

The Administrative Law Judge concludes that the Claimant did establish that an officer of the MGSF unlawfully confiscated currency from him but has failed to prove by a preponderance of the evidence the amount of currency confiscated from him.

Based upon the record in this matter, the ALJ makes the following:

FINDINGS OF FACT

1. At approximately 4:15 p.m. on July 11, 2007, St. Paul Police were requested by a MGSF Officer to make a traffic stop of Claimant at Marion Street and I-94 in St. Paul.¹ Apparently, Claimant and the occupants of the vehicle were suspected

¹ Exhibit A (St. Paul Police Department (SPPD) Original Offense/Incident Report dated 7/11/2007).

of a robbery that had just occurred at a Super America Gas Station (SA) near I-94 and White Bear Avenue, approximately three miles away.²

2. During the search of the Claimant, a St. Paul Police (SPPD) officer recovered a plastic baggy containing suspected crack cocaine and US currency. The Claimant said the suspected drugs were “fake.”³ The MGSF officer took possession of the suspected controlled substance and currency.⁴ The Claimant was arrested and booked for possession of a controlled substance. The others in the vehicle were identified and released. No criminal charges were brought against the Claimant.⁵

3. No Notice of Seizure and Intent to Forfeit Property, as required under Minnesota law, was served upon the Claimant.⁶

4. On July 12, 2010, the Claimant filed a Notice of Appeal with LMCIT alleging the improper seizure of \$2,700 and a Cadillac Escalade automobile.⁷ At the hearing, the Claimant advised that the seized Cadillac Escalade was not his and acknowledged that only the car owner himself could bring a claim for the seized vehicle.⁸

5. In preparation for this hearing, the Claimant spoke with the MGSF officer who initiated the July 2006 stop and made a request for her investigative report. The MGSF officer did not provide the report.⁹

6. In response to the ALJ's question as to why the Claimant was carrying \$2,700 on his person on July 11, 2007, the Claimant responded that he had received the money as reimbursement for over-payment of child support; thereafter, he cashed the child support check at his bank, and closed the bank account. The Claimant then testified that in preparation for the instant hearing, he sought the relevant bank records, but was told that they no longer exist.¹⁰

7. The Claimant did not produce any bank records, nor any verification from the bank that the records no longer existed, or child support records that might support his claim.

8. Shortly after the hearing on October 28, 2010, the Claimant submitted copies of his 2006 federal and state tax returns and a 2007 statement from

² Ex. 2 (Claimant's Public Claim Form).

³ Ex. 1, Ex. A.

⁴ Ex. A.

⁵ Testimony (Test.) of Claimant.

⁶ *Id.*, Minn. Stat. § 609.5314 (2008).

⁷ Ex. 1. The Claimant also claimed that police had taken \$1,300 from him in November 2007. There was no testimony or documentary evidence adduced at the hearing regarding this allegation. The Claimant has failed to establish a colorable claim relative to November 2007; therefore, this claim is dismissed.

⁸ Test. of Claimant, Ex. 1.

⁹ *Id.*

¹⁰ *Id.*

Slumberland, Inc., indicating that he had earned income in 2006 and 2007 and that the Claimant received refunds on each 2006 return.¹¹ There was no testimony from the Claimant about these submissions at the hearing.

9. On November 1, 2010, the ALJ wrote the St. Paul Chief of Police requesting any and all investigative reports relating to the July 11, 2007 incident involving the Claimant. The St Paul Police Department submitted two reports, one of which is already included in the record; designated as Exhibit A.

10. By letter dated November 17, 2010, the ALJ notified the parties that the additional investigative report had no material bearing on the issues before the ALJ, and therefore, was not considered and discarded.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Administrative Law Judge has jurisdiction in this matter pursuant to Minn. Stat. § 14.55 and the Resolution of the Metro Gang Strike Force Advisory Board, approved September 16, 2009.¹²

2. The Metro Gang Strike Force failed to use the appropriate legal processes to forfeit the currency seized from the Claimant on July 11, 2007.

3. The documentary record is clear that an unstated amount of currency was taken from the Claimant on that date, but the Claimant was not served with the appropriate Notice of Seizure and Intent to Forfeit Property.¹³

4. The Claimant submitted his 2006 tax returns and a statement from his 2007 employer which showed that he had earned income in both years, but the ALJ fails to see any correlation between these submissions and the Claimant's explanation for having \$2,700 in his possession on the date of the incident.

5. While it appears that the MGSF officer confiscated some currency, the Claimant failed to establish by a preponderance of the evidence the amount of currency seized. Moreover, the Claimant failed to demonstrate that he owned the Cadillac Escalade that he sought.

6. Based on this record, no payment from the LMCIT is required.

¹¹ By letter dated, November 17, 2010, the ALJ afforded LCMIT the opportunity to object to the late filings. The LCMIT claims adjuster called the ALJ the following day notifying him that she had no objection to their consideration.

¹² See Minutes, Metro Gang Strike Force Advisory Board Meeting, Sept. 16, 2009.

¹³ Ex. A.

Based on the foregoing Conclusions, the Administrative Law Judge makes the following:

DECISION

The LMCIT need not make any payment on the claim asserted by the Claimant.

Dated: December 7, 2010

s/Manuel J. Cervantes

MANUEL J. CERVANTES
Administrative Law Judge

Reported: Digitally Recorded

NOTICE

Pursuant to a resolution, dated September 16, 2009, the Advisory Board and LMCIT have agreed to be bound by the ALJ's decision in this matter. This decision is not binding in any way on the Claimant, and by pursuing this administrative review, the Claimant has jeopardized no legal right or remedy. The Claimant may bring an action in any court with jurisdiction over the claim asserted herein.

M. J. C.